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|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/686,433 | DANIELL, W. TODD | |
| | Examiner | Art Unit | |
| | MICHAEL C. LAI | 2457 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed on 2/7/2011.
2. The allowed claim(s) is/are 1, 2, 10, 11, 18, 26, and 27.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/4/2011
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date 4/5/2011.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457

DETAILED ACTION

This office action is responsive to communications filed on 2/7/2011.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles W. Griggers on 4/5/2011.

The application has been amended as follows:

- Claims 1, 10, 18, and 26 have been amended as follows:

1. (Currently Amended) A method for initiating an instant messaging (IM) session, the method comprising:

receiving a rule for handling a received email message from user input being provided in a markup language, the rule defining first criteria and second criteria, the rule further defining an action to be performed when both the first criteria and the second criteria are satisfied by the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account;

determining whether the received email message is from the given Internet domain;

determining whether the sender of the received email message is currently present at the instant messaging account;

determining whether the sender of the received email message is a contact of a recipient

of the received email message;

in response to determining that the received email message is from the given Internet domain and the sender of the received email message is currently present at the instant messaging account and in response to determining that the sender of the received email message is the contact of the recipient of the received email message, automatically launching an instant messaging session with the sender and bypassing spam filtering of the received email message; and

in response to determining that both the first criteria and the second criteria are not met, executing a spam filter on the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account.

10. (Currently Amended) A non-transitory computer-readable storage medium that includes a program that when executed by a computer performs at least the following:

receiving a rule for handling a received email message from user input being provided in a markup language, the rule defining first criteria and second criteria, the rule further defining an action to be performed when both the first criteria and the second criteria are satisfied by the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account;

determining whether the received email message is from the given Internet domain;

determining whether the sender of the received email message is currently present at the instant messaging account;

determining whether the sender of the received email message is a contact of a recipient of the received email message;

in response to determining that the received email message is from the given Internet domain and the sender of the received email message is currently present at the instant messaging account and in response to determining that the sender of the received email message is the contact of the recipient of the received email message, automatically launching an instant messaging session with the sender and bypassing spam filtering of the received email message; and

in response to determining that both the first criteria and the second criteria are not met, executing a spam filter on the received email message, ~~wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account.~~

18. (Currently Amended) A system for initiating an instant messaging ~~(IM)~~ session, the system comprising:

a processor; and

memory storage storing program code ~~executed~~ executable by the processor, the ~~instructions~~ program code comprising:

a first portion of the program code for receiving a rule for handling a received email message ~~from user input being provided in a markup language~~, the rule defining first criteria and second criteria, the rule further defining an action to be performed when both the first criteria and the second criteria are satisfied by the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second

criteria specifies that the sender of the received email message is currently present at an instant messaging account;

a second portion of the program code for determining whether the received email message is from the given Internet domain;

a third portion of the program code for determining whether the sender of the received email message is currently present at the instant messaging account;

a fourth portion of the program code for determining whether the sender of the received email message is a contact of a recipient of the received email message;

a fifth portion of the program code for, in response to determining that the received email message is from the given Internet domain and the sender of the received email message is currently present at the instant messaging account and in response to determining that the sender of the received email message is the contact of the recipient of the received email message, automatically launching an instant messaging session with the sender and bypassing spam filtering of the received email message; and

a sixth portion of the program code, for in response to determining that both the first criteria and the second criteria are not met, executing a spam filter on the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account.

26. (Currently Amended) A non-transitory computer-readable storage medium for initiating an instant messaging (IM) session, the computer-readable medium including a program that when executed by a computer performs at least the following:

receiving a rule for handling a received email message from user input being provided in

a markup language, the rule defining first criteria and second criteria, the rule further defining an action to be performed when both the first criteria and the second criteria are satisfied by the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account;

determining whether the received email message is from the given Internet domain;

determining whether the sender of the received email message is currently present at the instant messaging account;

in response to determining that the received email message is from the given Internet domain and the sender of the email message is currently present at the instant messaging account, automatically, without user input, launching an instant messaging session with the sender and bypassing spam filtering of the received email message; and

in response to determining that both the first criteria and the second criteria are not met, executing a spam filter on the received email message, wherein the first criteria specifies that the received email message is from a given Internet domain and the second criteria specifies that the sender of the received email message is currently present at an instant messaging account.

Allowable Subject Matter

Claims 1, 2, 10, 11, 18, 26, and 27 are allowed based on applicant's Arguments filed on 2/7/2011 and examiner's Amendment filed on 4/5/2011.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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06APR2011
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